

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - Appeal Petition from Kum.Chenchu Srilaxmi D/o C.Venkappa, Occ:Student, R/o G.N.Lahoti Colony, Yadagir Road, Kodangal, Mahaboobnagar District, filed u/s 7 of Act 16 of 1993 against the Proceedings issued by the District Collector, Mahaboobnagar, dated 1.2.2008- Appeal Rejected – Orders – Issued .

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 40

Dated:08-04-2009

Read the following:

1. Proceedings of the Collector,Mahaboobnagar, No.C2/9623/2006, dated 1.2.2008
2. Appeal Petition dated 17.3.2008 from Kum.Chenchu Srilaxmi D/o C.Venkappa, Occ:Student, R/o G.N.Lahoti Colony, Yadagir Road, Kodangal, Mahaboobnagar District filed through her Advocate dated 17.3.2008.
3. Govt.Memo No. 2408/CV.2/2008-1, dated 9.4.2008.
4. Letter from the District Collector, Mahaboobnagar, No. C2/9623/2006, dated 13.6.2008.
5. Govt.letter No.2408/CV.2/2008-3, dated 20.1.2009.

ORDER:

The appellant has filed an appeal petition along with stay petition before Govt, against the cancellation of her ST "Chenchu" Caste Certificate cancelled by the District Collector, Mahaboobnagar, vide Proceedings dated 1.2.2008, and submitted the following grounds in support of her claim:

1. The District Level Scrutiny Committee without providing an opportunity and without following due process of law and simply recommended for cancellation of the caste certificate issued by the Mandal Revenue Officer, Bomraspet.
2. The DLSC. did not properly gone through the statement made by the appellant and went wrong in stating that the appellant's mother died when she was childhood. The mother of the appellant is alive even as on today.
3. The DLSC. has not provided sufficient opportunity to the appellant to adduce relevant evidence to establish that she belong to ST (Chenchu) caste. In fact, the appellant's father belongs to ST as could be seen from the certificate issued by the then Tahsildar, Kodangal dated 1.9.1962.
4. The appellants father Chenchu Venkappa was appointed as L.D.Clerk in Govt. D.N.T. Hostel on temporary basis and the same was retified by the Proceedings dated 25.10.1971 of the DTW., and Ex.Officio Joint Secretary to Board of Revenue, A.P.Hyerabad which also conclusive establishes that the surname of the appellant is "Chenchu" under ST.

2). In reply to Govt.Memo, the District Collector, Mahaboobnagar, has furnished the parawise remarks and connected records. The remarks of the District Collector are as follows:

1. The Director of Tribal Welfare, Hyderabad has informed that one Kum.Chenchu Sri.Laxmi D/o Venkappa R/o Wadcherla (V) of Bomraspet (M), applied for admission into M.Sc course with merit card No.6094 during 2006-07 under ST quota she is ordinary resident of Wadcherla (V) of Bomraspet (M) and that she claims to belong to Chenchu community It is informed that Kum. Sri. Laxmi attended counseling on 06-08-2006 for admission into M.Sc course under ST quota by producing ST community, Nativity and Date of Birth Certificate issued by MRO, Bomraspet. It is further informed that the Scrutiny Officers deputes from the O/o the Director, Tribal Cultural Research and Training Institute, A.P Hyderabad expressed doubt on the genuineness of ST caste of Kum Sri.Laxmi and asked her to attend O/o Director of Tribal Welfare, Hyderabad, on 16-8-2006 along with an elderly member of her family and documentary evidence in support of her claim, On the day of enquiry Kum.Chenchu Sri.Laxmi could not be able to substantiate her claim and that the surnames and claims said to be among Chenchu Sri Laxmi D/o Venkappa prima facie found to be doubtful, the Director of Tribal Welfare A.P. Hyderabad has referred the case with a request to place the matter before the DLSC for taking necessary action as per Act 16 of 1993 and Rules made there under.
2. The DLSC. has issued notice to Kum.Chenchu Sri.Laxmi D/o Venkappa R/o Wadcherla (V) of Bomraspet mandal as required U/R 9 (2) of A.P. (SC's ST's & BC's)m issue of Community, Nativity and Date of Birth Certificates rules 1997 to attend enquiry on 30-7-2007. But she did not appear before the DLSC on the day of enquiry. Subsequently the case was adjourned to 8-10-2007. Finally she was served with notice with instructions to appear before the DLSC on 5-11-2007. On 5-11-2007 the charged applicant Kum.Chenchu Sri.Laxmi D/o C.Venkappa and her father Venkappa S/o Chennaiah have appeared before the DLSC. Sri.C.Venkappa S/o Chennaiah in his depositions has stated that he is the resident of Wadcherla Village of Bomraspet Mandal and that he is having (4) daughters is Smt. Shailaja, 30 years and her husband K.Sudhaker is working as lecturer in a private College at Parigi. He belongs to BC caste. His elder daughter Smt. Shailaja and K.Sudhakar stated to have performed inter caste marriage. The second daughter Neeraja, MCA aged 26 years is said to be working in Navodaya Vidyalayam, Vottem Village of Bijnapally Mandal. The charged Kum.Sri.Laxmi, Age 22 years is studying M.Sc., at Women College, Koti, Hyderabad. The fourth daughter Kum.Rekha, Aged 20 years is studying B.Sc at Tandoor of Ranga Reddy District. He has stated he doesn't know about his ancestors and that his father was an agriculturist and used to procure forest produces. His surname stated to be " Madasu" and the other surnames of their caste are Katraju, Vardanue, Machiya and Kanya etc. He has further stated that his wife belong to Telugu Caste and his mother belong to Chenchu caste. It is also stated that the Chenchu caste people will not recognize him. The marriage of his two sisters celebrated with Chenchus and he never go to their houses to meet them. The charged applicant in her deposition has stated that her mother died when she was in childhood. She was not selected in the interview due to mentioning as S.No.4 in the caste certificate and she was under the Guardianship of Women belong Telugu caste. She has further stated that she don't know the traditions and functions of Chenchu caste. It is also stated that they worship Lord Shiva-Eshwarudu-Lingamaiah.

3. The DLSC. has opined that the charged applicant has not produced any documentary evidence to substantiate her caste claims and that the charged applicant and her father could not be able to express the traditions and customs adopted by the Chenchus and references of their caste people and their lively activities. The DLSC. might be the surname of the charged applicant is working as Senior Assistant in MPDO's office, Kodangal, but they could not produce any documentary evidence of their caste proof i.e. extract / Xerox copy of Service Register.
4. Therefore based on the recommendations of the DLSC, the ST caste certificate issued to Kum.Chenchu Sri.Laxmi D/o C. Venkappa R/o Wadcherla of Bomraspet Mandal has been cancelled vide District Collector, Mahabubnagar, Proceedings. No.C2/9623/2006, dated:1-2-2008.
- 3). The case was posted for personal hearing on 29.1.2009 at 3.00 p.m. The appellant and his father along with his counsel for the appellant has attended and argued the case and submitted material papers and xerox copies caste certificates, and not submitted any land, Birth & Death Registration documents, genealogy information etc.
- 4). After careful examination of the records and remarks of the Collector, along with grounds appeal and observed it is found that:
 1. In the common written statement by the appellant and her father before the District Level Scrutiny Committee, it is deposed that their surname i.e. 'Madasu'. But in all the records i.e., Caste Certificates of appellant and her father, appointment / call for interview for the post of LDC in case of Appellant's father, their surname is Chenchu. From this it is clear that the appellant's father kept his surname as 'Chenchu'. In order to claim S.T. status. It is stated that other surnames among their caste are Katraju, Vardanur, Machakanya etc. of these except Katraju other including 'Madasu' are not found among Chenchus.
 2. Their original place of habitation i.e. Vadcherla or the present place of residence i.e. Kodangal are not the traditional places of habitation of Chenchus.
 3. Appellant's father stated that they do not know the customs and traditions of Chenchu tribe and Chenchu community people do not recognize him. His sister was married to a Chenchuman but they do not visit chenchu's houses and Chenchus also do not visit their house.
 4. Appellant's father also stated that his mother expired in his childhood and he was brought up by a woman belonging to "Telugu" caste. His wife also belongs to 'Telugu' caste.
 5. Therefore, though based on his caste certificate and appointment orders as LDC in DNT Hostel, Lingal etc., it may be considered without conceding, that the appellant's father belongs to Chenchu, it is important that, he was brought up by a woman of Telugu caste, married to a woman of Telugu caste and be got 3 daughters, the second girl being the appellant. His first daughter was also married to a non tribal, though stated as it was an inter-caste marriage. Further, the appellant and her father do not know the customs and traditions of chenchu tribe and do not have any relation with Chenchu people.

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6. It can easily be inferred that the appellant's father managed to obtain caste certificate as belonging to Chenchu community based on which got employment as a tribal. As he married a Telugu caste woman, even if he is treated as a tribal (only based on his certificates), his daughter the appellant cannot be treated as Chenchu ST, because admittedly she is the daughter of non-tribal mother and said to be a tribal father without any evidence to prove that her parents marriage was accepted by Chenchu tribal community, she was not accepted and recognize by and brought up among the Chenchu community. This is evident by their written deposition that they do not know customs and traditions of Chenchu Community. Finally the appellant and his father failed to prove his community claim.

5). Therefore, in exercise of the powers conferred under Section 7 of Act 16 of 1993, and Rules made thereunder, the appeal petition filed by Kum. Chenchu Srilaxmi D/o C.Venkappa, Kodangal is hereby rejected, upholding the orders of the District Collector, Mahaboobnagar in Proceedings No.C2/9623/2006, dated 1.2.2008.

6). The records (containing N.F. 1-7 pages and CF.1-91 pages) received from the Dist.Collector, Mahaboobnagar, vide reference 4th read above are herewith returned to him and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
PRINCIPAL SECRETARY TO GOVT.

To
The District Collector, Mahaboobnagar District.(WE).
Original Record file bearing No. C2/9623/06,
containing pages CF 92 and NF.8

Kum.Chenchu Srilaxmi D/o C.Venkappa,
R/o H.No.1-29, Plot No.38, G.N.Lahoti Colony,
Yadagir Road, Kodangal,
Mahaboobnagar District.

Sri K.Satyanarayana, Advocate,
H.No.17-33, Saibaba Temple Locality,
Dilsukhnagar, Hyderabad 500 060.

Copy to:
The PS to M(TW & RIAD) / PS to Prl.Secretary (TW)
The GP(SW), APHC., Hyderabad.
for information with ref. to W.P.No.10700 of 2008,
Dated 9.4.2008.
The Director of Tribal Welfare, Hyderabad.
SF/Sc.

//Forwarded::By Order//

SECTION OFFICER.